

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,  
RICARDO GONZALES, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL 38 HEALTH AND  
WELFARE FUND, INTERNATIONAL  
UNION OF OPERATING ENGINEERS  
LOCAL 295-295C WELFARE FUND, AND  
STEAMFITTERS FUND LOCAL 439, on  
Behalf of Themselves and All Others Similarly  
Situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 1:17-cv-02246

Judge Edmond E. Chang

Magistrate Judge Sheila Finnegan

**SUPPLEMENTAL DECLARATION OF  
JOSEPH P. GUGLIELMO IN SUPPORT  
OF PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

I, Joseph P. Guglielmo, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am a partner at the law firm of Scott+Scott Attorneys at Law LLP and admitted to practice before this Court. I previously submitted a Declaration in support of Plaintiffs' Motion for Class Certification attaching **Exhibits 1-60**. ECF No. 556. I submit this Supplemental Declaration in further support of Plaintiffs' Motion for Class Certification. I have personal knowledge of the facts set forth herein and could testify competently to them if called upon to do so.

2. Attached hereto as **Exhibit 61** is the rebuttal report of Lynette Hilton, Ph.D.

3. Attached hereto as **Exhibit 62** is the rebuttal report of Kenneth W. Schafermeyer, Ph.D.

4. Attached hereto as **Exhibit 63** is the rebuttal report of Susan A. Hayes, LPD, CPhT., AHFI.

5. Attached hereto as **Exhibit 64** is a Corrected Proposed Order to replace the Proposed Order previously submitted as ECF No. 554-1.

6. Attached hereto as **Exhibit 65** is a redline showing changes between the Proposed Order previously submitted as ECF No. 554-1 and the Corrected Proposed Order.

7. Attached hereto as **Exhibit 66** is a true and correct copy of excerpts from Walgreens' Response to Plaintiffs' First Request[s] for Admission to Defendant, dated February 28, 2020.

8. Attached hereto as **Exhibit 67** is a true and correct copy of excerpts from the April 21, 2023 deposition of Kelly Lear Nordby.

9. Attached hereto as **Exhibit 68** is a true and correct copy of excerpts from the April 28, 2023 deposition of Jed R. Smith.

10. Attached hereto as **Exhibit 69** is a true and correct copy of excerpts from the May 3, 2023 deposition of James W. Hughes.

11. Attached hereto as **Exhibit 70** is a true and correct copy of excerpts from the May 4, 2023 deposition of John W. Hanifin.

12. Attached hereto as **Exhibit 71** is a true and correct copy of excerpts from the May 25, 2023 deposition of Michael Steven Jacobs.

13. Attached hereto as **Exhibit 72** is a true and correct copy of additional excerpts from the November 20, 2019 deposition of Michael Amiet, testifying as Walgreens' 30(b)(6) designee.

14. Attached hereto as **Exhibit 73** is a true and correct copy of additional excerpts from the January 17, 2020 deposition of Sue Ewing.

15. Attached hereto as **Exhibit 74** is a true and correct copy of additional excerpts from the February 26, 2019 deposition of Plaintiff Cynthia Russo.

16. Attached hereto as **Exhibit 75** is a true and correct copy of additional excerpts from the February 7, 2019 deposition of Plaintiff Lisa Bullard.

17. Attached hereto as **Exhibit 76** is a true and correct copy of additional excerpts from the May 7, 2019 deposition of Edward Fox, testifying as Plaintiff International Brotherhood of Electrical Workers Local 38 Health and Welfare Fund's 30(b)(6) designee.

18. Attached hereto as **Exhibit 77** is a true and correct copy of the Declaration of Non-Party OptumRx submitted in *In re Niaspan Antitrust Litig.*, No. 2:13-md-2460 (E.D. Pa.).

19. Attached hereto as **Exhibit 78** is a true and correct copy of the Declaration of Non-Party Express Scripts, Inc. submitted in *In re Niaspan Antitrust Litig.*, No. 2:13-md-2460 (E.D. Pa.).

20. Attached hereto as **Exhibit 79** is a true and correct copy of the Declaration of Non-Party Caremark L.L.C. submitted in *In re Niaspan Antitrust Litig.*, No. 2:13-md-2460 (E.D. Pa.).

21. Attached hereto as **Exhibit 80** is a true and correct copy of excerpts from the January 17, 2023 deposition of Lynette Hilton, Ph.D.

22. Attached hereto as **Exhibit 81** is a true and correct copy of a letter from Michael S. Leib to me dated May 12, 2023.

23. Attached hereto as **Exhibit 82** is a true and correct copy of the expert report of James W. Hughes submitted in *In re: Epipen Mktg, Sales Practices & Antitrust Litig.*, No. 2:17-md-2785 (D. Kan.).

24. Attached hereto as **Exhibit 83** is a true and correct copy of the Data Dictionary produced by the National Council for Prescription Drug Programs, Bates-stamped NCPDP\_ForthvWalgreens000001-339.

25. Attached hereto as **Exhibit 84** is a true and correct copy of the External Code List produced by the National Council for Prescription Drug Programs, Bates-stamped NCPDP\_ForthvWalgreens000340-867.

26. Attached hereto as **Exhibit 85** is a true and correct copy of correspondence sent by counsel for Express Scripts, Inc. to Plaintiffs' counsel, dated April 19, 2021, transmitting ESI-0001549.

27. Attached hereto as **Exhibit 86** is a true and correct copy of excerpts from the September 14, 2019 deposition of Jay Bernstein.

28. Attached hereto as **Exhibit 87** is a true and correct copy of excerpts from the January 13, 2023 deposition of Kenneth W. Schafermeyer, Ph.D.

29. Attached hereto as **Exhibit 88** is a true and correct copy of a screenshot from the Loyalty Academy website.<sup>1</sup>

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on the 20th day of June, 2023, in New York, New York

/s/ Joseph P. Guglielmo

Joseph P. Guglielmo

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<sup>1</sup> <https://web.archive.org/web/20230501143706/https://loyaltyacademy.org/>.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically through the Court's Electronic Case Filing System, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

/s/ Joseph P. Guglielmo

Joseph P. Guglielmo